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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/729,860

12/05/2003

Justin Everett-Church

YHOOP010

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29989

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05/24/2006

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EXAMINER

MOFIZ, APU M

ART UNIT

PAPER NUMBER

2165

DATE MAILED: 05/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/729,860

Applicant(s)

EVERETT-CHURCH ET AL.

Examiner

Apu M. Mofiz

Art Unit

2165

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 1/30/06; 12/21/05; 11/17/05; 09/19/05; 09/13/05; 08/10/05
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Crawford, (US Patent No. 6,781,608).

As to claim 1, 21 and 22, Crawford teaches a method for sharing data in a messaging environment, comprising: performing a search in a first application to obtain a first search result based on a particular set of search terms wherein the first application is being used by a first participant in an instant messaging conversation that also includes a second participant; transferring search data associated with the search over a network to a second application that is being used by a second participant in the instant messaging conversation; and without requiring the second participant to specify the particular set of search terms, providing, in the second application, a second search result based on the search data, wherein the second result reflects a search that was performed based said particular set of search terms (i.e., Crawford teaches a client application which can communicate to another client application for instant messaging (i.e.,

sharing) through a centralized set of servers e.g., IM server and other domain servers e.g., search server, alert/notification server and many other servers. The user using the client application can send instant messages to other user client device/application. The user can search the web, perform stock transactions and many other web related functionalities that the domain servers support/provide. The search is always done by search terms. The clients at both ends use this application. They both can send instant messages and perform web searches among many other activities. The instant messenger application (i.e., any instant messenger in the market) can send messages, texts (**which can include search terms**) to the other participant application. The second client application can use the same search terms sent by the first client application, because they both have search capabilities wherein a set of search terms are used to search for a content. The web servers/(search engines) have been providing web links/hyperlinks as search results for a long time (i.e., decades) including Applicant's own search engine. The search is not provided by the client instant messenger application, it is provided by one of the many domain servers that the IM server interacts with. The IM server essentially delegates various functions (e.g., search functions) to different servers (e.g., a web search engine server). The Applicant is claiming various searches e.g., news, shopping, auction, stocks etc., that are not provided by neither the first or the second participant instant messenger application and is provided by the various search servers that exist for ages including the search domain server in Crawford's. The particular types of searches i.e., stocks, news or any other types of search are non-functional descriptive data and therefore non statutory. Crawford also teaches that the client device where the client instant messaging application runs, can be a mobile device.)(Fig. 2; Fig. 5; col 1, lines

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25-35; col 4, lines 47-58; col 7, lines 20-32, lines 54-64; col 9, lines 44-55; col 10, lines 35-54; col 12, lines 38-55; col 16, lines 6-22).


Claims 2-20 and 23 are either addressed or rejected in the rejected claim 1 above.

Points of Contact

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Apu M. Mofiz whose telephone number is (571) 272-4080. The examiner can normally be reached on Monday – Thursday 8:00 A.M. to 4:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be reached at (571) 272-4146. The fax numbers for the group is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-9600.


Apu M. Mofiz
Primary Patent Examiner
Technology Center 2100

May 22, 2006